

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 22 2010

LONIEL ANTHONY WILSON,

Petitioner,

vs.

MIKE ADDISON, Warden,

Respondent.

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ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY Rich DEPUTY

No. CIV-10-546-W

**ORDER**

On June 16, 2010, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the Court dismiss without prejudice the Petition for Writ of Habeas Corpus filed by petitioner Loniel Anthony Wilson because Wilson had failed to submit the necessary filing fee or file an application to proceed in forma pauperis. Wilson was advised of his right to object to the Report and Recommendation. The record reflects that although Wilson has not objected to the Report and Recommendation, he has now not only paid the filing fee in full, see Doc. 10, but also filed a Motion for Leave to Proceed in Forma Pauperis. See Doc. 9.

Upon review of the record, the Court


(1) ADOPTS the Report and Recommendation [Doc. 8] issued on June 16, 2010, to the extent that Magistrate Judge Purcell has admonished Wilson for his failure to timely comply with orders issued in this matter; but

(2) because the record indicates that Wilson has now paid the filing fee of \$5.00 in full, FINDS not only that Magistrate Judge Purcell's suggestion that this matter be dismissed should be and is hereby deemed MOOT, but also that Wilson's Motion for Leave

to Proceed in Forma Pauperis [Doc. 9] should be and is hereby likewise deemed MOOT;  
and

(3) RE-REFERS this matter to Magistrate Judge Purcell for further proceedings.

ENTERED this 9<sup>th</sup> day of June, 2010.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE